IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26576 of 2007(L)

PETITIONER:

A. KUNHIPATHUTTY, W/O. ABDUL KAREEM,
AGED 60 YEARS, RESIDING AT 30/803, CRESCENT HOUSE,
KOVOOR MEDICAL COLLEGE P.O., KOZHIKODE DISTRICT,
RETIRED NURSING OFFICER.

BY ADV. SRI.P.K.RAMKUMAR
SMT.ANITHA MENON

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF
HEALTH AND FAMILY WELFARE,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. ACCOUNTANT GENERAL,
KERALA, THIRUVANANTHAPURAM.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO.26576 of 2007

Dated this the 6th day of September, 2007

JUDGMENT

The petitioner retired from service, while working as a Nursing Officer, on 31.5.2004. The petitioner has a grievance that a portion of the DCRG is still withheld by the respondents. So also, there is a grievance that an increment, which fell due on 1.12.2003, has not been given effect to in the matter of pay fixation or re-computation of the retirement benefits.

2. Ext.P14 communication from the District Medical Officer dated 15.2.2007, which is obviously in reply to an Advocate's notice sent on behalf of the petitioner, intimates that the action to finalise the liability as regards an amount of Rs.4,463/=, stated to be an excess monthly benefit enjoyed by the petitioner, due to alleged irregular availing of 10 days compensatory leave, is pending finalisation with the Director of Health Services. There is no intentional delay in taking action for reconsidering the petitioner's claim. The following statement in Ext.P14 is relevant:

> **In the circumstances stated above, it is very clear that this office has not intentionally delayed in taking the action for reconsidering her liability and in processing and forwarding of her confidential report. Her liability and pensionary claims can be reviewed on hearing from higher authorities."**

3. The liability, stated to be noticed against the petitioner, is for an

amount of Rs.4,464/=, it is necessary that there should be a quantification of the liability, as early as possible, after the retirement of the Government servant. The review of the question as to whether the liability noted against the petitioner be finalised or now is being undertaken at the office of the Director of Health Services, it is only appropriate that this process of review and finalisation be done at the earliest.

4. In the circumstances, this writ petition is disposed of with the following directions.

a) The finalisation of the liability noted against the petitioner, as mentioned in Ext.P14, shall be completed, within a period of two months from the date of receipt of a copy of this judgment and necessary steps should be taken, in this regard, by the District Medical Officer to disburse the balance amount due to the petitioner by way of DCRG within a period of one month thereafter.

b) If the increment, which is stated to have fallen due on 1.12.2003, has not been given effect to in fixing the last pay of the petitioner as also the retirement benefits, then the same shall be done, within a period of two months from the date of receipt of a copy of this judgment.

c) The petitioner may file a representation indicating the aforementioned aspects within a period of two weeks from the date of receipt of a copy of this judgment.

There will be no order as to costs.

V.GIRI, JUDGE

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